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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,126	03/28/2001	Thomas M. Sirhall	P5711 (SMQ-060)	2162

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LAHIVE & COCKFIELD, LLP.  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 10/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/820,126

Applicant(s)

SIRHALL, THOMAS M.

Examiner

Tammy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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**Detailed Office Action**

1. This action is in response to the application 09/820126 filed. **March 28, 2001.**
2. Claims 1-20 have been examined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-7, 9-14, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (USPN 6,571,246 – Date of Patent: -May 27, 2003, herein referred to as “Anderson”).

5. As to claim 1, Anderson teaches the invention as claimed, including an electronic device that provides an on-line educational course, a method comprising: providing an interactive match game applet, wherein said applet generates a graphical user interface displaying a set of images and a set of descriptions and allows a user to connect a first image and a first description that the user believes to correspond to the first image (col.3, lines 50-67, and col.4, line 60 to col.5, line 15); and forwarding the applet from the electronic device to a remote client (col.6, lines 5-15, and col.6, line 62 to col.7, line 5).
6. As to claim 2, Anderson teaches the invention as claimed, wherein the applet renders a line between the first image and the corresponding description selected by the user to display an association made by the user (col.6, lines 5-15 and lines 35-50).
7. As to claim 4, Anderson teaches the invention as claimed, wherein said applet permits a predetermined number of attempts by the user to each image in the set of images with a corresponding description (col.5, lines 1-15).
8. As to claim 5, Anderson teaches the invention as claimed, wherein said applet automatically displays a correct answer to the user after the user surpasses said predetermined number of attempts (col.7, lines 30-40).
9. As to claim 6, Anderson teaches the invention as claimed, wherein said applet prevents the user from interacting with the applet after said predetermined number of attempts (col.4, lines 60-67).
10. As to claim 7, Anderson teaches the invention as claimed, including an electronic device that provides an on-line educational course, a method comprising: receiving a request for a Web page at the electronic device from a remote client (col.6, lines 35-50); and in

response to said receiving step, sending a Web page containing a match game applet embedded therein to the remote client, wherein said applet generates a WEB PAGE including a set of images and a set of descriptions, wherein said Web page further includes instructions to a user to match an image in the set of images with a corresponding description (col.3, lines 50-67, and col.4, line 60 to col.5, line 15).

11. As to claim 9, Anderson teaches the invention as claimed, wherein said Web page includes an applet tag instructing a browser to execute instructions for running the match game applet (col.8, line 1-3, col.5, lines 1-15).
12. As to claim 10, Anderson teaches the invention as claimed, wherein the match game applet includes a definition file defining a correct answer to the question (col.1, lines 30-42).
13. As to claim 11, Anderson teaches the invention as claimed, wherein said Web page includes source code, and said definition file is separate from the source code to prevent a user from obtaining the correct answer by viewing the source code (col.6, lines 60-67, it is inherent because web page is source code).
14. As to claim 12, Anderson teaches the invention as claimed, including a computer-readable medium for use in an electronic device that provides an on-line educational course, comprising instructions for running a match game applet for displaying a set of images and a set of descriptions corresponding to the set of images, wherein a user can match an image from the set of images with a corresponding description in the set of descriptions (col.3, lines 50-67, and col.4, line 60 to col.5, line 15).

15. As to claim 13, Anderson teaches the invention as claimed, wherein the instructions are executable on a virtual machine (Fig.1).
16. As to claim 14, Anderson teaches the invention as claimed, wherein the instructions are stored on a server and downloaded to a local processor of the user (col.5, lines 1-16)
17. As to claim 17, Anderson teaches the invention as claimed, including an electronic device for providing an on-line educational course comprising a processor (PC 110 with processor) ; a display screen (col.6, lines 5-15, and lines 35-45); and a memory including a Web page having an interactive match game applet embedded therein, wherein said processor executes said match game applet to generate a graphical user interface on said display screen, said graphical user interface displaying a set of images, a set of descriptions and instructions to a user to match an image from the set of images with a corresponding description from the set of descriptions (col.3, lines 50-67, and col.4, line 60 to col.5, line 15).
18. As to claim 18, Anderson teaches the invention as claimed, further comprising a browser for locating and displaying said Web page (col.6, line 62 to col.7, line 5).
19. As to claim 19, Anderson teaches the invention as claimed, further comprising a network connection for connecting said electronic device to a computer network (Fig.1).
20. As to claim 20, Anderson teaches the invention as claimed, further comprising input media to allow the user to enter said answer (col.6, lines 1-16).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 3, 8, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson et al., (hereinafter Anderson) U.S. Patent No. 6,571,246 in view of Strub et al., (hereinafter Strub) U.S. Patent No. 6,652,287.

23. As to claim 3, Anderson does not teach providers feedback to the user indicating the

accuracy of the association made by the user. However, Strub teaches providers

feedback to the user indicating the accuracy of the association made by the user (col.1,

lines 50-62). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the teachings of Anderson and Strub to have providers feedback

to the user indicating the accuracy of the association made by the user because it would

have an efficient system that can provide specific functions so that a control device can

use information about the current state of the system to determine the next control action.

24. As to claim 8, 15, 16, Anderson does not teach an on-line educational course and

hypertext markup language (HTML) code. However, Strub teaches an on-line

educational course, hypertext markup language (HTML) code (col.3, lines 45-60, and

col.2, line 60 to col.3, line 20). It would have been obvious to one of ordinary skill in the

art at the time of the invention to combine the teachings of Anderson and Strub to have

an on-line educational course and hypertext markup language (HTML) code because it

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would have an efficient system that can provide specific functions that a need for instructor and administrator tools in this interactive environment to facilitate monitoring of instructors and the online educational forum as a whole.


### ***Conclusion***

25. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 6:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(703) 308-3873**.

*TTN*

September 22, 2004

  
WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
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